



Patent
Attorney's Docket No. 033025002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Naohiro TAKEMOTO et al.) Group Art Unit: 1625
Application No.: 10/009,566) Examiner: Rita J. Desai
Filed: December 12, 2001) Confirmation No.: 4857
For: AMINOPHENOXYACETAMIDE)
DERIVATIVES AND)
PHARMACEUTICAL)
COMPOSITION CONTAINING)
THEREOF)

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Requirement for Restriction issued by the Patent and Trademark Office on December 24, 2002, applicants hereby elect with traverse the invention of Group III, claims 40-49 for prosecution in this application. Group III is directed to methods of selecting a neuroprotective agent. Compounds selected by the method, compositions comprising such compounds and methods of using such compounds are also included in this Group of Invention.

The traversal is based upon the fact that the instant application was filed under §371. Applicants are thus entitled to a "unity of invention standard" for determining restriction. It is respectfully submitted that "unity of invention" exists in the instant case. Group I relates to compounds, pharmaceutical compositions and a method of treating using the compounds wherein E2 is an Oxygen. Group II is directed to compounds,

pharmaceutical compositions and a method of treating using the compounds wherein E2 is a nitrogen. Group III is drawn to methods of selecting a neuroprotective agent.

Moreover, according to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship between the subject matter of the three sets of claims, there would be no serious burden on the Examiner to examine all the claims at this time.

In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.


In the event that there are any questions relating to this response or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (508) 339-3684.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620
Date: January 23, 2003

By:  #51,147
for Donna M. Meuth
Registration No. 36,607